



11-28-06

JEW AF\$

Attorney Docket No.: 5051-445

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Moyer et al.
Application No.: 09/912,072
Filed: July 24, 2001
For: *Identification of Poinsettia Cultivars*

Confirmation No.: 3267
Group Art Unit: 1634
Examiner: S. Bausch

Date: November 27, 2006

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC § 134, 37 CFR § 41.31, and MPEP § 1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the Office Action dated August 2, 2006 at least twice rejecting or finally rejecting claims 1, 3, 5-7, 21, 23, 24, 30, 63, 69-74.

- Enclosed is a check in the amount of \$500.00 for the Appeal fee as provided by 37 C.F.R. § 41.20(b)(1).
- Please first reapply any previously paid notice of appeal fee and appeal brief.
- Payment by credit card is requested. Form PTO-2038 is attached.
- A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.
- Also enclosed: _____
- The Commissioner is authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Amelia Tauchen